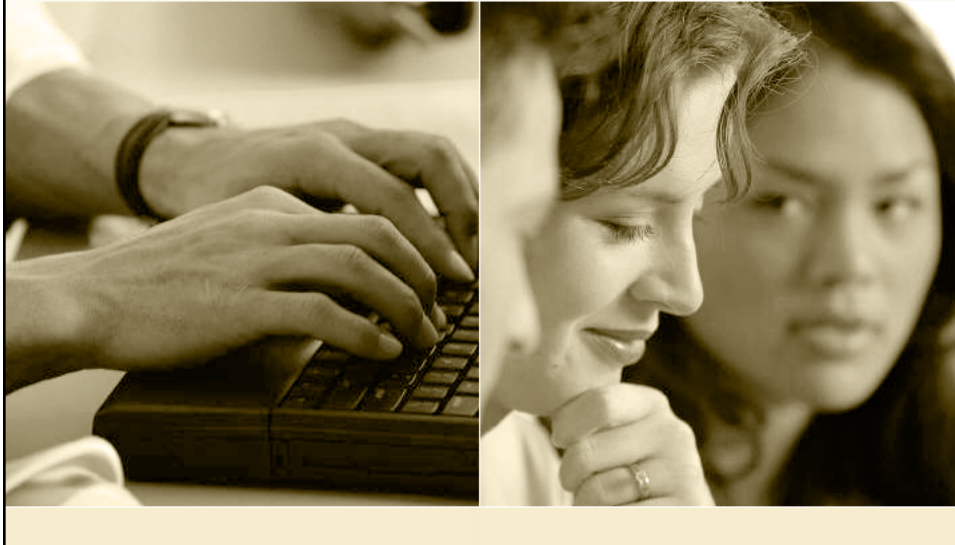


OPEN MEETINGS & GRAMA

Some Basic Concepts



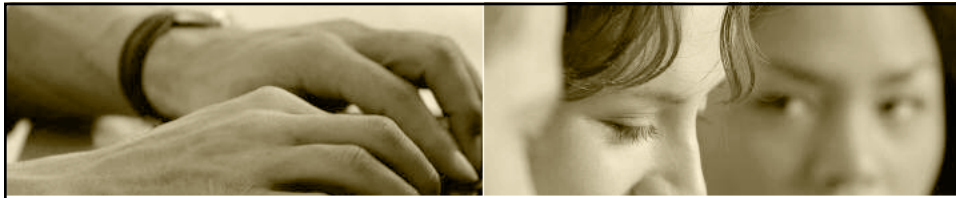
1



Open Meetings

- Purpose of the Act is to ensure that the business of the people be acted on openly and that the public entity's deliberations be conducted openly.
- UCA Section 52-4-1 et seq.

2



Applies to Meetings of:

- Public bodies of more than two persons
- Which expend, disburse, or are supported by public funds
- And are vested with authority to make decisions regarding public business

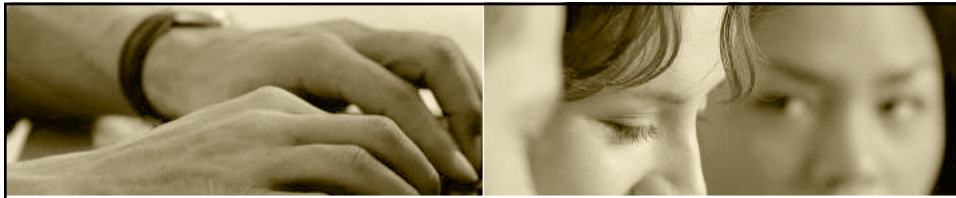
3



Meetings are OPEN unless:

- The Closed Meeting has been approved by a 2/3 vote by the members of the body and
- It is closed for the purpose of:
 - Character, competence, health, of an individual
 - Collective bargaining strategy
 - Pending or imminent Litigation strategy
 - Discussions of sale lease or purchase of property
 - Discussions regarding deployment of safety personnel and devices
 - Investigative proceedings of criminal misconduct

4



NOTICE

- Give annual notice of regular meeting schedule showing date time and place
- Give 24 hrs notice of the agenda
- Public notice is given by posting in the principal office AND in a newspaper of general circulation
- Exception may be made for emergency situations as long as an attempt to notify all members has been made

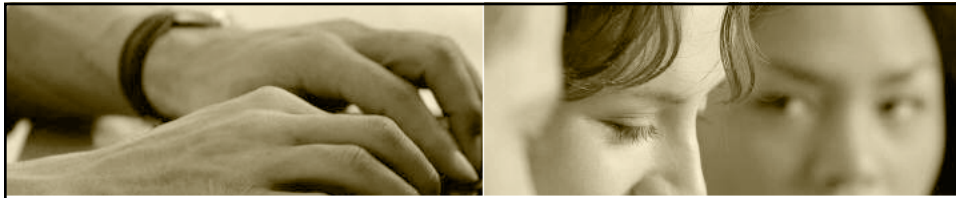
5



Minutes and other records

- Written minutes constitute the record of the official action taken during a meeting
- Recordings may be made by any person
- Recordings made by the County shall be public records to be made available in a reasonable amount of time
- Officially recorded meetings shall be converted to writing in a reasonable amount of time

6



Closed meetings

- Must be taped or have detailed minutes unless character-competence or security
- Tape recordings and minutes of closed meetings are Protected Records under GRAMA

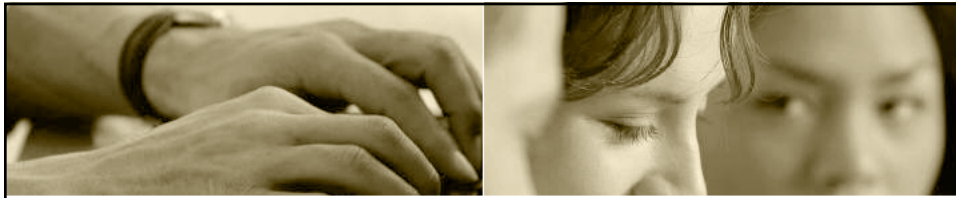
7



GRAMA Requirements

- Minutes and recordings of open meetings are considered public records
- Public records must be disclosed upon request.
- Every person has a right to inspect public records free of charge and to make a copy of public records subject to some restrictions (63-2-201)

8



GRAMA Requirements

- During normal working hours (63-2-201)
- The County may charge a fee for the reasonable costs of producing a duplicate—this may include employee time in retrieval and etc., as well as copying costs (63-2-203)

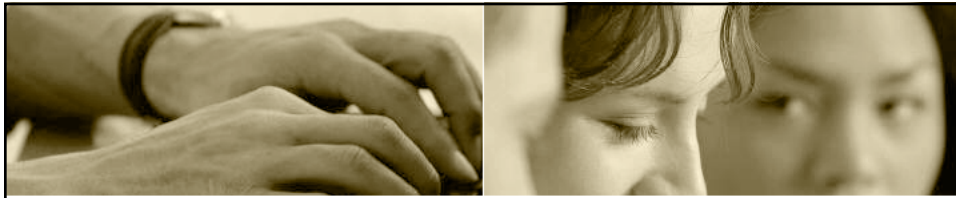
9



GRAMA Requirements

- A request for any document should be made in writing:
 - Name
 - Mailing address
 - Daytime phone
 - Description of the records (204)
- The request should identify the record with “reasonable specificity”(201)

10



GRAMA Requirements

- If the request involves more than 50 pages of documents then you may allow the requesters to have access to the facilities and make the copies themselves (201)

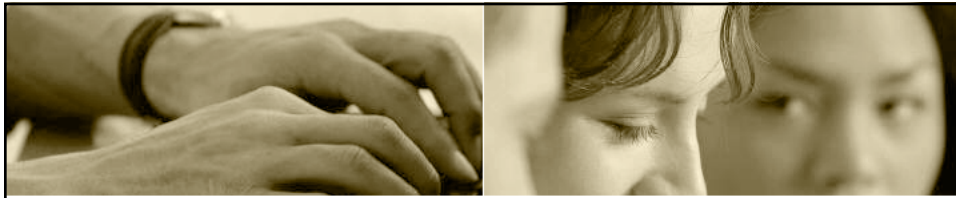
11



Protected Records

- Minutes and recordings of Closed Meetings are protected.
- Protected records may only be disclosed (63-2-202):
 - To the person who submitted the record
 - Pursuant to a court order (not a subpoena)
 - Anyone who has power of attorney and releases from all parties whose interests were sought to be protected by the protected classification
 - To mobile home park owners pursuant to 41-1a-116

12



Protected Records

- Shall be disclosed to other governmental entities if that entity:
 - Generally keeps such records
 - Is doing a criminal, civil or administrative investigation
 - Statutorily obligated to conduct an audit, or
 - Collects such records for sentencing or parole purposes

UCA 63-2-206

13

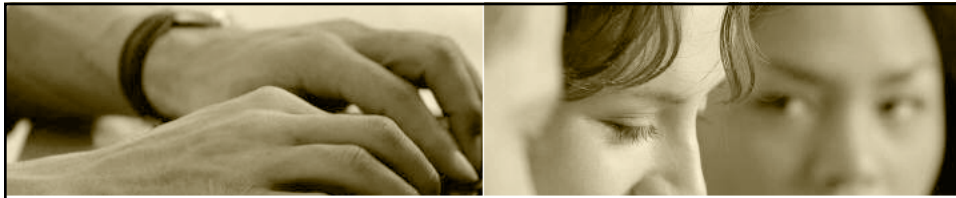


Protected Records

- County shall provide records to a governmental entity:
 - If it is entitled by law to inspect the record, or
 - If it is required to inspect the record in order to participate in a federal program
- Should obtain evidence of requestor's identity before disclosing protected records

UCA 63-2-206

14



Time limits under GRAMA

- As soon as reasonably possible you must respond denying--or granting and providing
- No later than 10 days after written request, or 5 days if it is demonstrated that expedited response benefits the public
- Notify of extraordinary circumstances

UCA 63-2-204

15



In closing

- You and other county officials are under greater scrutiny. You must avoid even the appearance of impropriety.
- Take time to evaluate your conduct from a third person perspective.
- Equality and fairness.
- Open meetings.
- Follow the law of disclosure.

16